

Paul G. Shearer  
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FILED

DEC 02 2005

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA

UNITED STATES DISTRICT COURT  
DISTRICT OF ALASKA  
By                      Deputy

PAUL G. SHEARER,

Plaintiff,

V.

UNITED STATES OF AMERICA,  
GALE A. NORTON, Secretary of the Interior,  
the DEPARTMENT of the INTERIOR,  
the NATIONAL PARK SERVICE.

**Defendants.**

Case No. A03-0263 CV (JKS)  
(CONSOLIDATED)

**PLAINTIFF'S MOTION FOR ENLARGMENT OF TIME**

Plaintiff Paul G. Shearer moves the Court for an order granting him an enlargement of time until 30 days after a ruling is filed on defendant's Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) in which to file a response to defendant's Motion Of The United States For Stay of Proceedings Banjo and Pass Claims filed on November 16, 2005 (Docket Entry No. 49).

In support of the above motion, plaintiff shows:

1. Pursuant to local rules plaintiff's response to defendant's Motion (Docket Entry No. 49) filed on November 16, 2005, is due to be filed on or before December 5, 2005.

2. Defendant's Motion Of The United States For Stay of Proceedings Banjo and Pass Claims (Docket Entry No. 49) is filed as an "alternative" motion which defendant filed to be considered if the defendant's earlier Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) is denied. The defendant's later Motion (Docket Entry No. 49) states as follows:

"Should the court deny the Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) dismissing plaintiff Paul G. Shearer's claims for compensation for property Shearer has designated as Parcels 2 through 21, **in the alternative** the United States moves the court to stay proceedings in this case on Shearer's claims for compensation for an alleged taking of Banjo lode claim (BLM Serial No. FF-54240) and the Pass lode claim (BLM Serial No. FF-54241), until there has been a final determination by the Secretary of the Interior on the validity of those claims."

3. Plaintiff Shearer requests enlargement of time until 30 days after a ruling is filed on defendant's Motion of the United States for Partial Summary Judgment (Docket Entry No. 39) in which to file a response to defendant's Motion Of The United States For Stay of Proceedings Banjo and Pass Claims filed on November 16, 2005 (Docket Entry No. 49) because the second motion is dependant on the outcome of the first motion.

4. Plaintiff also needs an enlargement of time because he has been unable to file a response to defendant's Motion (Docket Entry No. 49) due to the significant amount of work required in the last 30 days to prepare for the BLM Contest Hearing deadlines. On November 28, 2005, the Plaintiff filed Witness List, Schedule of Exhibits, and sent copies of exhibits to BLM contestant. Plaintiff is scheduled to travel and present his defense at the continuation of the BLM hearing scheduled to be held in Anchorage, Alaska, on December 7-13, 2005. Therefore Plaintiff Shearer will be unavailable to work on a response to defendant's Motion (Docket Entry No. 49) during this scheduled BLM hearing.

5. Plaintiff has served his First Request For Interrogatories, First Request For Production And First Requests For Admissions To United States on September 14, 2005, with an original response due on October 14, 2005. Plaintiff has served his Second Request For Interrogatories, Second Request For Production And Second Requests For Admissions To United States on October 31, 2005, with an original response due on November 30, 2005. Plaintiff response to defendant's Motion (Docket Entry No. 49) may also rely on some of the defendant's responses to these served discovery requests and defendant has not yet provided responses to these discovery requests.

For the reasons stated above, plaintiff needs the additional time to prepare and file a response to the defendant's Motion Of The United States For Stay of Proceedings Banjo and Pass Claims filed on November 16, 2005 (Docket Entry No. 49), and requests to file a response by 30 days after a ruling is filed on defendant's Motion of the United States for Partial Summary Judgment (Docket Entry No. 39).

Dated December 1, 2005

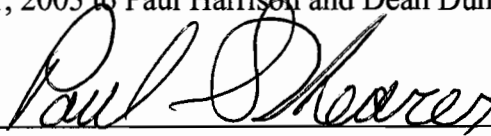
  
\_\_\_\_\_  
Plaintiff

Paul G. Shearer  
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Lake Oswego, OR 97034

## CERTIFICATE OF SERVICE

I certify that a copy of the above documents was mailed, by first class mail, Express mail or FedEx, addressed to the persons at the addresses stated below on December 1, 2005.

Copy was also sent by email on December 1, 2005 to Paul Harrison and Dean Dunsmore.



Paul G. Shearer

Addressee(s):

US District Court  
Clerk of Court  
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